

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Justin R. Silverman,	)	
	)	CA No. 2:16-cv-03686-RMG
	)	
Plaintiff,	)	
	)	<b>MOTION AND MEMORANDUM</b>
	)	<b>FOR LEAVE TO</b>
vs.	)	<b>FILE SUPPLEMENTAL</b>
	)	<b>DECLARATION OF JUSTIN</b>
	)	<b>R. SILVERMAN</b>
National Board of Medical Examiners	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S MOTION AND MEMORANDUM FOR LEAVE TO FILE  
SUPPLEMENTAL DECLARATION OF JUSTIN R. SILVERMAN**

The Plaintiff hereby moves for leave to file the supplemental declaration of Justin R. Silverman, in support of Plaintiff’s Motion for Preliminary Injunction, ECF No. 6.

On November 21, 2016, the Plaintiff filed with this Court his Motion for Preliminary Injunction. The Plaintiff in this Motion sought an injunction from the Court that would require the Defendant to grant the Plaintiff a reasonable accommodation on the USMLE Step I Exam by December 31, 2016. The Plaintiff filed with this Motion an affidavit from the Plaintiff that explained the consequences of not taking the exam by December 31, 2016. *See* Affidavit of Justin R. Silverman at 2, ECF No. 6-2. A second affidavit was filed by Plaintiff in support of his Response in Opposition to Defendant’s Motion to Dismiss that further describes the injury that would result to the Plaintiff if he were not permitted to take the USMLE Step I Exam without reasonable accommodation. *See* Second Silverman Affidavit at 2, ECF No. 22-1.

A hearing was held before the Court on December 19, 2016 and the Court heard arguments from both parties on the Plaintiff's Motion for Preliminary Injunction and the Defendant's Motion to Dismiss. At this hearing, Plaintiff's counsel explained to the court that the likely outcome of not receiving an accommodation on this exam would be the Plaintiff's dismissal from medical school. In order to more accurately reflect the nature and extent to injury to the Plaintiff should his Motion be denied, the Plaintiff asks this Court for leave to supplement the Plaintiff's earlier affidavits in the record with this declaration. As the declaration of Justin R. Silverman indicates, he faces immediate and irreparable injury to his professional career should his Motion for a Preliminary Injunction be denied and he is not allowed to take the USMLE Step I exam with reasonable accommodation.

All of which is respectfully submitted.

S/Allan R. Holmes

Allan R. Holmes, Federal I.D. #1925

Cheryl H. Ledbetter, Federal I.D. #11446

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ATTORNEYS FOR PLAINTIFF

December 21, 2016

Charleston, South Carolina

**CERTIFICATE OF CONSULTATION**

I, Allan R. Holmes, certify that I have consulted with opposing counsel pursuant to Local Rule 7.02 (D.S.C.) regarding Plaintiff's Motion and Memorandum for Leave to File Supplemental Declaration of Justin R. Silverman in the above matter and they oppose the motion.

S/Allan R. Holmes

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